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8 Attorneys for Defendant
ENTERPRISE TRUST COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

13 | RUTHE P. GOMEZ,

14 Plaintiff,

15 vs.

16 TRADERIGHT CORP. d/b/a TRADERIGHT
SECURITIES, INC., ENTERPRISE TRUST
17 COMPANY, and LOCKE HAVEN, LLC,

18	Defendants.
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) Case No. CV-08-0266 WDB

) CERTIFICATE OF SERVICE OF NOTICE
) TO ADVERSE PARTY OF REMOVAL TO
) FEDERAL COURT

HOWREY LLP

1 Zena Anderson certifies and declares as follows:

2 I am over the age of 18 years and not a party to this action.

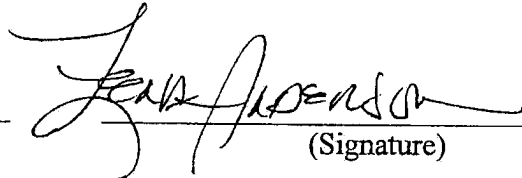
3 My business address is 525 Market Street, Suite 3600, San Francisco, California 94105, which
4 is located in the city, county and state where the mailing described below took place.

5 On January 16, 2008, I deposited in Federal Express at San Francisco, California, a copy of the
6 Notice to Adverse Party of Removal to Federal Court dated January 15, 2008, along with a copy of the
7 state court records on file, and a copy of the Declaration of Rebecca Townsend in Support of Notice of
8 Removal, to Patrick Baldwin of Baldwin Law Group, 530 Oak Grove Avenue, Suite 207, Menlo Park,
9 California 94025. A copy of the Notice to Adverse Party of Removal to Federal Court is attached to
10 this Certificate.

11
12 I declare under penalty of perjury that I am employed in the office of a member of the bar of
13 this Court at whose direction the service was made and that the foregoing is true and correct.

14 Executed on January 16, 2008, at San Francisco, California.

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16
17 Zena Anderson
(Type or print name)


(Signature)

1 **TO PLAINTIFF RUTHE P. GOMEZ AND HER ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. § 1441(b), a Notice of Removal of this
3 action, along with copies of all of the pleadings filed in the state court in this action and the supporting
4 Declaration of Rebecca Townsend, was filed in the United States District Court for the Northern
5 District of California on January 15, 2008 (Case No. CV-08-0266 WDB).

6 Copies of the Notice of Removal and the supporting Declaration of Rebecca Townsend are
7 attached to this Notice to Adverse Party of Removal to Federal Court, and are served and filed
8 herewith. The copy of this Notice to Adverse Party served on Plaintiff also includes copies of the
9 various state court pleadings that were filed with the federal court along with the Notice of Removal.

10
11 Dated: January 16, 2008

HOWREY LLP

12
13 By: 
14 Benjamin K. Riley

15 Attorneys for Defendant
16 ENTERPRISE TRUST COMPANY
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Attorneys for Defendant
ENTERPRISE TRUST COMPANY

ORIGINAL
FILED

JAN 15 2008

RICHARD W. WENING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WDB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUTHE P. GOMEZ,

Plaintiff,

vs.

TRADERIGHT CORP. d/b/a TRADERIGHT
SECURITIES, INC., ENTERPRISE TRUST
COMPANY, and LOCKE HAVEN, LLC,

Defendants.

CV 08 0266 Case No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. 1441(b) (DIVERSITY)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441(b), Defendant Enterprise Trust Company ("Enterprise Trust") hereby removes to this Court the state court action described below:

1. On December 19, 2007, an action was commenced in the Superior Court of the State of California in and for the County of Alameda, entitled *Ruthe P. Gomez v. TradeRight Corp., Enterprise Trust Company, Locke Haven, LLC, and DOES 1 through 50, inclusive*, as Case Number RG07362098. A copy of the Complaint is attached hereto as Exhibit A.

2. Removal of this case is timely under 28 U.S.C. § 1446(b), as it is being filed within thirty days of Defendants' notice of the Complaint in this action.¹ Enterprise Trust first received a copy of the Complaint on December 19, 2007, the day it was filed. As of the date of this Notice of Removal, Defendant Locke Haven, LLC has not been served with process in this action.

3. As set forth in Paragraphs 4 and 5 below, this Court has original jurisdiction under 28 U.S.C. § 1332 based on diversity of citizenship.

4. Total diversity. Diversity jurisdiction exists if all plaintiffs have diverse citizenship from all defendants. *See* 28 U.S.C. § 1332(a)(1). The citizenship of each named party, at the time of the filing of this action, and as of the time of the filing of this Notice of Removal, is as follows:

- a. Enterprise Trust is informed and believes that Plaintiff Ruthe P. Gomez was, and still is, a citizen of the State of California.
- b. Defendant Enterprise Trust was, and still is, a corporation organized under the laws of Nevada and has its principal place of business in Henderson, Nevada.
- c. Defendant TradeRight Corporation (d/b/a TradeRight Securities, Inc.) was, and still is, a corporation organized under the laws of Florida and has its principal place of business in Lockport, Illinois.
- d. Defendant Locke Haven, LLC was, and still is, a limited liability corporation organized under the laws of the State of Illinois and has its principal place of business in Lockport, Illinois.

As to Defendant Locke Haven, LLC in particular, diversity is satisfied as long as all of Locke Haven LLC's members are diverse from Plaintiff. *See Rolling Greens MHP, L.P. v. Comcast SCH Holdings, L.L.C.*, 374 F.3d 1020, 1021-22 (11th Cir. 2004). Locke Haven, LLC is comprised of four members. As to each, their citizenship is as follows:

- a. George Dragel is a citizen and resident of the State of Illinois;
- b. Mike Rukujzo is a citizen and resident of the State of Illinois;

¹ Defendant TradeRight Corporation will be concurrently filing a Joinder to this Notice of Removal.

c. John H. Lohmeier is a citizen and resident of the State of Illinois; and

d. Rebecca Townsend is a citizen and resident of the State of Illinois.

Thus, none of the defendants, or the individual members of Locke Haven, LLC, are citizens of the state in which this action is pending: California. *See* Declaration of Rebecca Townsend dated January 15, 2008 ("Townsend Declaration"), ¶ 4.

5. Amount in controversy. Diversity jurisdiction exists if the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). Plaintiff seeks injunctive relief in her Complaint. "In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation." *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 347 (1977)) (in trademark infringement case, where injunctive relief was sought, settlement letter demanding \$100,000 was sufficient evidence of value of object of litigation, to satisfy amount in controversy requirement). In other words, "the amount in controversy is measured by the value of the interest sought to be protected by the equitable relief requested." *See In Re Fidelity Bank Trust Fee Litigation*, 839 F. Supp. 318, 321 (E.D. Pa. 1993); *see also Ridder Bros. v. Blethen*, 142 F.2d 395, 399 (9th Cir. 1994) (the amount of controversy must be "the value of the particular and limited thing sought to be accomplished by the action"). For example, where protection of the assets in a trust are at issue, and the object of the litigation is the removal of the trustee, the amount in controversy is measured by the value of that part of the trust that will be protected by the injunctive relief. *See Schonland v. Schonland*, 1997 WL 695517, at *1 (D. Conn. 1997). In this action, Plaintiff seeks the transfer of her accounts which are valued at approximately \$900,000. *See* Townsend Decl., ¶ 5. Thus, the amount in controversy requirement is met.

6. Because there is original and diversity jurisdiction in this matter, this action is one that may be removed pursuant to 28 U.S.C. §§ 1332(a) and 1441(b).

7. Copies of all pleadings, process and orders filed with the state court — in addition to the Complaint noted in Paragraphs 1 and 2 above — are filed concurrently with this Notice of Removal and attached as Exhibit B.

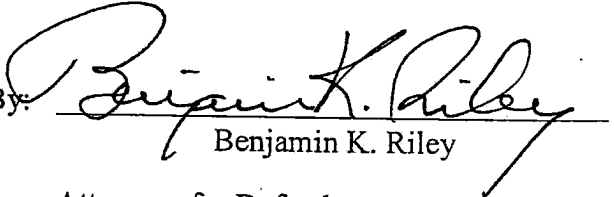
1 8. Written notice of the filing of this Notice of Removal is hereby given to counsel for
2 Plaintiff Ruthe P. Gomez.

3 9. A Notice to Adverse Party of Removal to Federal Court will be filed with the Clerk of
4 the Superior Court of the State of California for the County of Alameda, and served on Plaintiff.

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6 Dated: January 15, 2008

Respectfully submitted,

7 **HOWREY LLP**

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9 By: 
Benjamin K. Riley

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11 Attorneys for Defendant
ENTERPRISE TRUST COMPANY
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CLERK, U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WDB
0266

RUTHE P. GOMEZ,

Plaintiff,

vs.

TRADERIGHT CORP. d/b/a TRADERIGHT
SECURITIES, INC., ENTERPRISE TRUST
COMPANY, and LOCKE HAVEN, LLC,

Defendants.

) Case No.

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) **DECLARATION OF REBECCA
TOWNSEND IN SUPPORT OF NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C. §
1441(b) (DIVERSITY)**
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DECLARATION OF REBECCA TOWNSEND

I, Rebecca Townsend, declare as follows:

1. I am Vice President, and the main client manager, of Defendant Enterprise Trust Company; and, I am one of the four members of Defendant Locke Haven, LLC. I am familiar with the accounts of Plaintiff Ruthe P. Gomez, at issue in this action. I make this Declaration of my personal knowledge and, if called upon as a witness, could and would testify competently, under oath, to the facts contained herein.

2. Defendant Enterprise Trust was at the time of the filing of this action, and still is at the time of the filing of the Notice of Removal, a corporation organized under the laws of Nevada, and has its principal place of business in Henderson, Nevada.

3. Defendant Locke Haven, LLC was at the time of the filing of this action, and still is at the time of the filing of the Notice of Removal, a limited liability corporation organized under the laws of the State of Illinois, and has its principal place of business in Lockport, Illinois.

4. Defendant Locke Haven, LLC is made up of four members: George Dragel, Mike Rukujzo, John H. Lohmeier and me. I have personal knowledge that all four of us are citizens of the State of Illinois. None of us is a citizen of the State of California.

5. The total value of Plaintiff Gomez's accounts at issue in this proceeding equals approximately \$900,000.

Executed on January 15, 2008, at Oak Brook, Illinois.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Rebecca Townsend